IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1318 OF 2007
IN
WRIT PETITION NO. 7225 OF 2005

Pandharpur Municipal Council,
Pandharpur. ... Petitioner.

V/s.

Shyam Shankar Jadhav. ... Respondent.

S.S.Patwardhan for the petitioner.

Meena H. Doshi for the respondent.

CORAM: V.C.DAGA, J.

DATED: 9th July 2006.

P.C.:

. Heard.

2. The learned counsel for the applicant/ original petitioner- Municipal Council brought to my notice that in the order dated 25th April, 2006 it is mentioned that permanent post of Road Roller Driver is very much available. However, today, on the basis of the order passed by the Director of Municipal Administration, Mumbai sanctioning posts in the establishment of the petitioner- Municipal Council and Schedule 'C' annexed thereto submits that presently the post of Road Roller Driver is not available. However, in the cadre of Driver, some posts of Drivers are sanctioned. He further

submits that the said posts of driver will gradually stand abolished with the retirement of the drivers holding such posts. Presently, all the post of drivers are occupied, as such it would not be possible for the Municipal Council to accommodate present respondent in absence of necessary sanction from the Director of Municipal Administration.

3. In this view of the submissions, the words reading as "Since the permanent post of Road Roller Driver is very much available" stand deleted from the order dated 25th April, 2006. The petitioner- Municipal Council shall implement the impugned order during the pendency of the petition, subject to the result of the petition. The Municipal Council, if necessary, may apply for appropriate sanction as already indicated in the earlier order dated 25th April, 2007.

4. Order dated 25th April, 2006, accordingly, stands modified and corrected to enable the Municipal Council to take appropriate steps. Rest of the order stands as it is.

5. Civil application stands disposed of in terms of this order with no order as to costs.

(V.C.DAGA, J.)